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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,356	10/30/2001	Mark D. Seaman	10008303 - 1	4970

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EXAMINER

HUYNH, BA

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/002,356	SEAMAN ET AL.
Examiner	Art Unit	
Ba Huynh	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 June 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-48 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-48 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date .

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 35-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “automatically composing an initial presentation with reference to the control setting and without further input from the user” appears contradict to the steps “presenting media element... for user selection” and “enabling the user to bind user-selected media elements to each other”, since the control setting step happen before the steps selecting and binding media elements by the user.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-48 rejected under 35 U.S.C. 103(a) as being unpatentable over US patent application publication 2003/0052897.

- As for claims 1, 13, 14, 18, 28: Lin teaches a computer implemented method and usable in a general purpose computer system (0038) for composing a multimedia presentation

from a plurality of media elements, the plurality of media elements including audio media elements and image elements, the image elements including at least one still image (0006, 0050), comprising the steps/means, program logic configured to:

determine at least one control setting, the control setting including the duration time for display of the at least one still image in an initial presentation (0051, 0052, 0053), and

automatically compose the initial presentation, the initial presentation including the plurality of media elements, the initial presentation based in part on the duration time for the at least one still image. Although Lin teaches the creating of DVD photo album, slide show presentation and movie making wherein media elements are displayed in an order (0005, 0010, 0044, 0046, 0051-0053, a photo album is a picture presentation of time-based events, from birth and as time goes. Slide show and movie are presentations of media element in temporal order), Lin is silent regarding the initial presentation based in part on at least one time stamp associated with at least one of the media elements. However, ordering the media element at least in part based on a time stamp associated with the media element is well known as disclosed by Wolff et al (Wolff's 3:10-32, 4:43 – 5:34). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known teaching of creating a presentation based on the time stamps associated with the media elements as disclosed by Wolff to Lin. Motivation of the combining is for providing a time-based presentation of photo album.

- As for claims 2, 15, 19: An initial presentation is displayed (Lin's 0054).

- As for claims 3, 5, 7, 16, 20: Lin fails to clearly teach the displaying of an image line showing the order of appearance of image elements, however suggested that the image elements can be edit and composed to form a slide show with conventional techniques (0034). However displaying of an image line showing the order of appearance of image elements for editing is well known as disclosed by Wolff (4:43 – 5:34, figure 2). It would have been obvious to one of skill in the art, at the time the invention was made, to combine well known teaching of the editable image line as disclosed by Wolff to Lin. Motivation of the implementation is for providing a visual content and guidance for editing of the album. The editing including reordering the images (Lin's 0044, Wolff's 5:8-67).
- As for claims 4, 6, 17, 21: Lin fails to clearly teach the implementation of a sound line, however suggested that sound can be added to the image elements (0030) according to conventional method (0030). However displaying of a sound line showing the order of expression of sound elements for editing is well known as disclosed by Wolff (3:22-32, 59-65; 6:1-7). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Wolff's teaching of displaying a sound line showing the order of expression of sound elements for editing to Lin. Motivation of the combining is for adding sound to the image elements as suggested by Lin.
- As for claims 8, 23: A presentation based in part on the duration time of at least one still image (Lin's 0052-0053).
- As for claim 9: The presentation is edited in part by the user (Lin's 0054; Wolff's 4:43 – 5:34).

- As for claims 10, 11, 25, 26: Graphic and text elements can be added to the presentation (Lin's 0033, 0034, 0044-0048, Wolff's 6:1-2).
- As for claims 12, 27: The control setting can be reset by the user (0051-0052).
- As for claims 22, 24: The editing including reordering the images (Lin's 0044, Wolff's 5:8-67).
- As for claim 29: It is inherently included in Lin's teaching of DVD photo album, slide show presentation and movie making, and the time a presentation was created (0005, 0010, 0044, 0046, 0051-0053), that the initial presentation comprises selected image elements placed in chronological order (a photo album is a picture presentation of chronological ordered events, from birth and as time goes. Slide show and movie are presentations of media element in chronological order). Even if it is not, ordering the media elements at least in part based on chronological order is well known as disclosed by Wolff et al (Wolff's 3:10-32, 4:43 – 5:34). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Wolff's teaching of creating a presentation based on chronological order to Lin. Motivation of the combining is for providing a chronological ordered presentation of photo album.
- As for claims 30, 31: Per Lin, sound can be added to the image elements according to conventional method (0030). As image elements are chronologically ordered, associated audio elements are also placed in the same order.
- As for claim 32: The initial presentation can be edit by the user (Lin's 0034, Wolff's 4:49 – 6:28).

- As for claim 33: An image line is displayed in coordination with display of the presentation (Wolff's figs 1-2).
- As for claim 34: An audio line is displayed in coordination with display of the presentation (Wolff's 3:22-32, 59-65; 6:1-7, figs 1-2).
- As for claims 35, 38, 42, 45: Lin teaches a computer implemented method and usable in a general purpose computer system (0038) for composing a multimedia presentation from a plurality of media elements, the plurality of media elements including audio media elements and image elements, the image elements including at least one still image (0006, 0050), comprising the steps/means, program logic configured to:
receiving control settings that control characteristics of an initial presentation (0051-0053),
presenting media elements of still image for user selection (0031, 0032),
enabling the user to bind the selected media element (0032, 0044-0051)
automatically compose the initial presentation, the initial presentation including the plurality of media elements with reference to the control setting and without further user input (Lin's 0038-0039, 0053; Wolf's 4:43-5:43). Although Lin teaches the creating of DVD photo album, slide show presentation and movie making wherein media elements are displayed in an order, a list of all image cells in a VOB (0005, 0010, 0044, 0049, 0046, 0051-0053; a photo album is a picture presentation of time-based events, from birth and as time goes. Slide show and movie are presentations of media element in temporal order), Lin is silent regarding the claimed image track and sound track. However, ordering the media elements at least in part based on chronological order is well known as disclosed by Wolff et al (Wolff's 3:10-32, 4:43 – 5:34). It would have been obvious to one of skill in

the art, at the time the invention was made, to combine the well known teaching of creating a presentation based on chronological order as disclosed by Wolff to Lin.

Motivation of the combining is for providing a chronological ordered presentation of photo album. Per Lin, sound can be added to the image elements according to conventional method (0030). As image elements are chronologically ordered, associated audio elements are also placed in the same order.

- As for claims 36, 43: The control settings are user-selected control settings (0051-0053).
- As for claims 37, 44: The control settings include a duration that still images are to be displayed (0051-0053).
- As for claims 39, 46: Audio elements are ordered according to the order of still image elements to which the audio elements are bound (7:40-41) and according to chronological order (8:1-18).
- As for claims 40, 47: Lin fails to clearly teach the displaying of an image track and sound track, however suggested that the image elements can be edit and composed to form a slide show with conventional techniques (0034). However the displaying of an image track and sound track showing the order of appearance of image and sound elements for editing is well known as disclosed by Wolff (4:43 – 5:34, 3:22-32, 59-65; 6:1-7, figure 2). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Wolff's teaching of the editable image track and sound track to Lin. Motivation of the implementation is for providing a visual content and guidance for editing of the album.

- As for claims 48: It is inherently in both Lin and Wolf that image editing includes editing the initial presentation to create a final presentation (see also Wolf's description of track 115).

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

REMARKS:

The rejection of claims 1-13 and 29-34 under 35 USC 101 has been withdrawn responsive to the amendment.

In response to the argument that Lin does not teach automatically composing a presentation, the "automatic composing" is disclosed by Lin at least in the execution of computer program for carrying out Lin's invention (0039), the creating of the data structure as disclosed in figures 3-5, wherein the data structure includes pointer to each cell in the authored DVD (0044), the composing of the DVD according to parameter setting (0051-0053). The "automatic composing" is also disclosed in Wolff's teaching of multimedia authoring (3:1-58), wherein media elements are chronologically ordered according to the order they were taken (5:8-14). In response to the argument that neither reference teach an initial presentation "based in part on at least one timestamp associated with at least one of the media elements" or "based in part on the time of recording of the plurality of media", Lin teaches the creating of DVD photo album, slide show presentation and movie making wherein media elements are displayed in an order, a list of all image cells in a VOB (0005, 0010, 0044, 0049, 0046, 0051-0053), it is difficult to compose a DVD photo album, a slide show or movie out of photographs without considering at least one

timestamp of the photographs (photo album is a picture presentation of time-based events, from birth and as time goes. Slide show and movie are presentations of media element in temporal order). Nevertheless, the limitation is disclosed by Wolff in the teaching of “storytelling” and track 105 wherein media elements are ordered according to time stamps.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

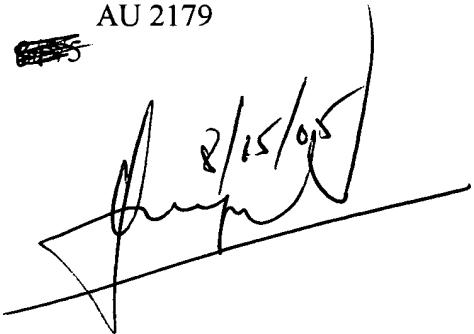
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (703) 305-9794. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179


8/15/05